

## EMERGENCY RMAP RULES – EFFECTIVE OCTOBER 31, 2003

**WAC 222-24-010 Policy.** .\*(1) A well designed, located, constructed, and maintained system of forest roads is essential to forest management and protection of the public resources. Riparian areas contain some of the more productive conditions for growing timber, are heavily used by wildlife and provide essential habitat for fish and wildlife and essential functions in the protection of water quality. Wetland areas serve several significant functions in addition to timber production: Providing fish and wildlife habitat, protecting water quality, moderating and preserving water quantity. Wetlands may also contain unique or rare ecological systems.

.\*(2) To protect water quality and riparian habitat, roads must be constructed and maintained in a manner that will prevent potential or actual damage to public resources. This will be accomplished by constructing and maintaining roads so as not to result in the delivery of sediment and surface water to any typed water in amounts, at times or by means, that preclude achieving desired fish habitat and water quality by:

- . Providing for fish passage at all life stages (see Washington state department of fish and wildlife hydraulic code Title 220 WAC);

- . Preventing mass wasting;

- . Limiting delivery of sediment and surface runoff to all typed waters; and

- . Avoiding capture and redirection of surface or ground water. This includes retaining streams in their natural drainages and routing subsurface flow captured by roads and road ditches back onto the forest floor;

- . Divert most road runoff to the forest floor;

- . Provide for the passage of some woody debris;

- . Protect stream bank stability;

- . Minimizing the construction of new roads;

- . Assure that there is no net loss of wetland function.

The road construction and maintenance rules in this chapter must be applied in achieving these goals. The strategies for achieving the goals for road maintenance outlined in this chapter are expected to be completed by December 2016. Additional guidance is identified in the board manual, section 3. If these goals are not achieved using the rules and the applied guidance, additional management strategies must be employed.

.\*(3) Extra protection is required during road construction and maintenance to protect public resources and timber growing potential. Landowners and fisheries and wildlife managers are encouraged to cooperate in the development of road management and abandonment plans. Landowners are further encouraged to cooperate in sharing roads to minimize road mileage and avoid duplicative road construction.

.\*(4) This section covers the location, design, construction, maintenance and abandonment of forest roads, bridges, stream crossings, quarries, borrow pits, and disposal sites used for forest road construction and is intended to assist landowners in proper road planning, construction and maintenance so as to protect public resources.

(Note: Other laws and rules and/or permit requirements may apply. See chapter 222-50 WAC.)

**WAC 222-24-050 . \*Road maintenance and abandonment.** The goals for road maintenance are established in WAC 222-24-010; all forest roads must be maintained to prevent potential or actual damage to public resources. Fish passage must be addressed by December 2016. Replacement will not be required for existing culverts functioning with little risk to public resources or for culverts that were installed under an approved forest practices application or notification, and are capable of passing fish, until the end of the culvert's functional life.

(1) All forest roads on lands owned by large forest landowners must be improved and maintained to the standards of this chapter within 15 years of the effective date of these rules. Guidelines for how to meet these goals and standards are in the board manual, section 3. Work performed toward meeting the standards must generally be even flow over the 15-year period with priorities for achieving the most benefit to public resources early in the period. ~~((Replacement will not be required for existing culverts functioning with little risk to public resources or for culverts installed under an approved forest practices application or notification if they have been properly maintained and are capable of passing fish, until the end of the culvert's functional life.))~~

(2) Forest roads used as part of any forest practices applications or notifications on lands owned by small forest landowners must be maintained only to the extent necessary to prevent damage to public resources. Fish passage barriers on small forest landowner properties will be addressed through a watershed based assessment focused on a priority of fixing the worst barriers first.

(a) A cost share program administered by the department is available to assist small forest landowners with the removal, replacement, or repair of fish passage barriers that were installed prior to May 14, 2003. The cost share program includes limits on landowner costs and the opportunity for in-kind contributions. If an existing fish passage barrier on land owned by a small forest landowner was installed under an approved forest practices application or notification, and hydraulics approval, and that fish passage barrier becomes a high priority for fish passage based on watershed ranking, one hundred percent public funding shall be provided as provided in chapter 76.13 RCW.

(b) Small forest landowners who have committed to participate in the state led cost share program are not required to remove, replace or repair fish passage barriers until cost share funding is available and higher priority fish passage barriers on other lands in the watershed have been removed or funded.

(c) A small forest landowner not participating in the state led cost share program must remove, replace or repair any fish passage barriers on the forest roads within their ownership covered or affected by an active forest practices application or notification for harvest or salvage of trees.

(d) The department, in consultation with the department of fish and wildlife, shall monitor the effectiveness of the checklist road maintenance and abandonment plan approach described in WAC 222-24-0511, and state-led cost share program, and report to the board by December 31 of both 2008 and 2013 on the accomplishments with respect to having road maintenance and fish passage addressed by 2016.

(3) If any landowner is notified by the department that their road(s) has the potential to damage public resources, the landowner must, within 90 days, submit to the department for review and approval a compliance schedule of work to address the problems identified by the department.

**WAC .\*222-24-051 Large forest landowner road maintenance schedule.** All forest roads must be covered under an approved road maintenance and abandonment plan within 5 years of the effective date of this rule or by December 31, 2005. This includes all roads that were constructed or used for forest practices after 1974. Inventory and assessment of orphan roads must be included in the road maintenance and abandonment plans as specified in WAC 222-24-052(4).

.\*(1) Large forest landowners (~~((with 500 acres or more of forest land in a DNR region))~~) must maintain a schedule of submitting plans to the department that cover 20% of their roads or land base each year.

~~((\*(2) Landowners with less than 500 acres of forest land in a DNR region must submit with their first forest practice application or notification a road maintenance and abandonment plan covering the roads that will be used by the application. Within one year of the date of submittal of the first forest practices application or notification or before the end of 2005, whichever comes first, the landowner must submit a road maintenance and abandonment plan for the rest of their ownership in that region. Once the plan is approved, the landowner must attach or reference the approved road maintenance and abandonment plan when submitting subsequent applications.~~

(3)) (2) For those portions of their ownership that fall within a watershed administrative unit covered by an approved watershed analysis plan, chapter 222-22 WAC, landowners may follow the watershed administrative unit-road maintenance plan, providing the roads they own are covered by the plan. A proposal to update the road plan to meet the current road maintenance standards must be submitted to the department for review on or before the next scheduled road maintenance plan review. If annual reviews are not required as part of the watershed analysis road plan, the plan must be updated by October 1, 2005. All roads in the planning area must be in compliance with the current rules by the end of calendar year 2015. See the board manual section 3 for road maintenance and abandonment plan outline.

.\*((4)) (3) Plans will be submitted by landowners on a priority basis. Road systems or drainages in which improvement, abandonment or maintenance have the highest potential benefit to the public resource are the highest priority. Based upon a "worst first" principle, work on roads that affect the following are presumed to be the highest priority:

(a) Basins containing, or road systems potentially affecting, waters which either contain a listed threatened or endangered fish species under the federal or state law or a water body listed on the current 303(d) water quality impaired list for road related issues.

(b) Basins containing, or road systems potentially affecting, sensitive geology/soils areas with a history of slope failures.

(c) Road systems or basins where other restoration projects are in progress or may be planned coincident to the implementation of the proposed road plan.

(d) Road systems or basins likely to have the highest use in connection with future forest practices.

.\*((5)) (4) Based upon a "worst first" principle, road maintenance and abandonment plans must pay particular attention to:

(a) Roads that block fish passage;

(b) Roads that deliver sediment to typed water;

(c) Roads with evidence of existing or potential instability that could adversely affect public resources;

(d) Roads or ditchlines that intercept ground water; and

(e) Roads or ditches that deliver surface water to any typed waters.

.\*((6)) (5) Road maintenance and abandonment plans must include:

(a) Ownership maps showing all forest roads, including orphan roads; planned and potential abandonment, all typed water, Type A and B Wetlands that are adjacent to or crossed by roads, stream adjacent parallel roads and an inventory of the existing condition; and

(b) Detailed description of the first years work with a schedule to complete the entire plan within fifteen years; and

(c) Standard practices for routine road maintenance; and

(d) Storm maintenance strategy that includes prestorm planning, emergency maintenance and post storm recovery; and

(e) Inventory and assessment of the risk to public resources or public safety of orphaned roads; and

(f) The landowner or landowner representative's signature.

.\*((~~(7)~~)) (6) Priorities for road maintenance work within plans are:

(a) Removing blockages to fish passage beginning on roads affecting the most habitat first, generally starting at the bottom of the basin and working upstream;

(b) Preventing or limiting sediment delivery (areas where sediment delivery or mass wasting will most likely affect bull trout habitat will be given the highest priority);

(c) Correcting drainage or unstable sidecast in areas where mass wasting could deliver to public resources or threaten public safety;

(d) Disconnecting road drainage from typed waters;

(e) Repairing or maintaining stream-adjacent parallel roads with an emphasis on minimizing or eliminating water and sediment delivery;

(f) Improving hydrologic connectivity by minimizing the interruption of surface water drainage, interception of subsurface water, and pirating of water from one basin to another; and

(g) Repair or maintenance work which can be undertaken with the maximum operational efficiency.

.\*((~~(8)~~)) (7) Initial plans for large forest landowners (~~((with 500 acres or more of forest land in a DNR region))~~) must be submitted to the department during the year 2001 as scheduled by the department.

.\*((~~(9)~~)) (8) Each year on the anniversary date of the plan's submittal, landowners must report work accomplished for the previous year and submit to the department a detailed description of the upcoming year's work including modifications to the existing work schedule. The department's review and approval will be conducted in consultation with the department of ecology, the department of fish and wildlife, affected tribes and interested parties. The department will:

(a) Review the progress of the plans annually with the landowner to determine if the plan is being implemented as approved; and

(b) The plan will be reviewed by the department and approved or returned to the applicant with concerns that need to be addressed within forty-five days of the plan's submittal.

(c) Additional plans will be signed by the landowner or the landowner's representative.

.\*((~~(10)~~)) (9) The department will facilitate an annual water resource inventory area (WRIA) meeting with landowners, the department of fish and wildlife, the department of ecology, affected tribes, the National Marine Fisheries Service, the U.S. Fish and Wildlife Service, affected counties, local U.S. Forest Service, watershed councils, and other interested parties. The purpose of the meeting is to:

(a) Suggest priorities for road maintenance and abandonment planning; and

(b) Exchange information on road maintenance and stream restoration projects.

.\*((~~(11)~~)) (10) A forest practice application with a detailed one to five year work plan associated with a submitted road maintenance and abandonment plan will be treated as a multiyear permit. The application will be reviewed, approved, conditioned and/or disapproved within 45 days

of acceptance. The application will be reviewed in consultation with the department of ecology, department of fish and wildlife, affected tribes and interested parties.

.\*((~~(12)~~)) (11) Regardless of the schedule for plan development, roads that are currently used or proposed to be used for timber hauling must be maintained in a condition that prevents potential or actual damage to public resources. If the department determines that log haul on such a road will cause or has the potential to cause material damage to a public resource, the department may require the applicant to submit a plan to address specific issues or segments on the haul route.

.\*((~~(13)~~)) (12) If a landowner is found to be out of compliance with the work schedule of an approved road maintenance and abandonment plan and the department determines that this work is necessary to prevent potential or actual damage to public resources, then the department will exercise its authority under WAC 222-46-030 (notice to comply) and WAC 222-46-040 (stop work order) to restrict use of the affected road segment.

(a) The landowner may submit a revised maintenance plan for maintenance and abandonment and request permission to use the road for log haul.

(b) The department must approve use of the road if the revised maintenance plan provides protection of the public resource and maintains the overall schedule of maintenance of the road system or basin.

.\*((~~(14)~~)) (13) If a landowner is notified by the department that their road(s) has the potential to damage public resources, the landowner must, within 90 days, submit to the department for review and approval a plan or plans for those drainages or road systems within the area identified by the department.

## NEW SECTION

**WAC 222-24-0511 Small forest landowner road maintenance planning.** (1) Small forest landowners other than those described in WAC 222-24-0512, must follow either of the options in (a) or (b) of this subsection when submitting a forest practices application or notification for harvest or salvage of trees, unless (c) of this subsection applies.

(a) Small forest landowners must submit with each forest practices application or notification a checklist road maintenance and abandonment plan for the forest roads covered or affected by the forest practices activity. A small forest landowner may, at any time, submit a checklist road maintenance and abandonment plan for their entire ownership.

(b) Small forest landowners must submit for approval road maintenance and abandonment plans as outlined in WAC 222-24-051. Approved road maintenance and abandonment plans must be attached to or referenced in subsequent forest practices applications or notifications.

(c) For those portions of their ownership that fall within a watershed administrative unit covered by an approved watershed analysis plan, chapter 222-22 WAC, small forest landowners may follow the watershed administrative unit-road maintenance plan, providing the roads they own are covered by the plan.

(2) A small forest landowner is not required to submit an annual report as described in WAC 222-24-051(8).

(3) Small forest landowners who have committed to participate in the cost share program are not required to remove, replace or repair fish passage barriers until funding is available and higher priority fish passage barriers on other lands in the watershed have been removed or funded.

(4) Forest roads that are being used or proposed to be used for timber hauling must be maintained in a condition that prevents damage to public resources. If the department determines that use of such a road will cause or has the potential to cause damage to a public resource, the

department may require the applicant to submit a compliance schedule of work to address the problem(s) identified by the department.

#### NEW SECTION

**WAC 222-24-0512 Forest landowners exempted from road maintenance and abandonment planning.** Forest landowners owning 80 acres or less of forest land in Washington who are submitting a forest practices application or notification for a block of forest land that is 20 contiguous acres or less in area are not required to submit either a checklist road maintenance and abandonment plan or a road maintenance and abandonment plan.